

June 26, 2008

A regular meeting of the Borough Council was held in the Municipal Building on June 26, 2008. The meeting was called to order at 8:30 p.m. by Mayor Barra, who announced that the requirements of the Open Public Meetings Act were met by the required posting and notice to publications.

The Mayor led those present in a salute to the flag.

The following Council members answered roll call: Bernstein, LaMonica, Litt, Schoepflin, Strauch, White and Mayor Barra. Also present were Mrs. McCarthy and Mr. Bole.

Mr. Strauch moved, seconded by Mrs. White to approve the following minutes:  
Work sessions of March 27, June 9 and June 12, 2008

On roll call, all Council members voted in favor but Mr. Strauch abstained with regard to the June 12<sup>th</sup> minutes.

Before the Council for final consideration was an ordinance entitled: ORDINANCE NO. 08-16 – AN ORDINANCE TO ESTABLISH CHAPTER 63 OF THE CODE OF THE BOROUGH OF ALLENDALE ENTITLED “RESIDENCY EXEMPTION FOR OFFICERS AND EMPLOYEES” which had been passed by the Council on first reading on June 12, 2008, spread in full in the minutes of that meeting, and published in *The Record* on June 19, 2008.

The meeting was opened to the public for comments on this ordinance and there being none, the meeting was closed to the public.

Resolution No. 08-211 – Introduced by Mrs. LaMonica, seconded by Mr. Schoepflin

BE IT RESOLVED that an Ordinance entitled 08-16, “An Ordinance to Establish Chapter 63 of the Code of the Borough of Allendale Entitled ‘Residency Exemption for Officers and Employees’” be passed upon second and final reading, and that the Borough Clerk be and is hereby authorized and directed to advertise the same according to law.

On roll call, all Council members voted yes.

The meeting was opened to the public for comments on agenda items.

In regard to resolution 08-220, George LaHood asked how do people apply for these housing units. Mayor Barra said it is necessary to apply to the State Department of Human Services. This resolution is about going out to bid for the Orchard Common Park and the utility service for the affordable housing on that site.

Mr. LaHood asked about Resolution No. 08-228 dealing with the representatives to the Community Development Committee. He asked who will be the representatives that will be

coming to Allendale. Mayor Barra said the resolution deals with the appointment of the Borough's representatives to that Committee, Mrs. McCarthy and himself.

Mr. LaHood said there was a communication from the County Executive. Mayor Barra said that it is not on the agenda but it is about shared services. An appointment will be set up to meet with the County Executive and that was discussed at work session.

There being no further comments, the meeting was closed to the public.

The following ordinance was presented for consideration and passage on first reading:

#### ORDINANCE NO. 08-17

AN ORDINANCE TO AMEND CHAPTER 53 OF THE CODE OF THE BOROUGH OF ALLENDALE TO FIX THE SALARIES, WAGES AND COMPENSATION OF THE NIGHT SECURITY GUARD IN THE YEAR 2008

BE IT ORDAINED by the Governing Body that the hourly rate for night beach security shall be at a maximum of \$16.91 per hour.

Resolution No. 08-212 – Introduced by Mrs. White, seconded by Mr. Strauch

**Be It Resolved** that an Ordinance entitled No. 08-17 "An Ordinance to Amend Chapter 53 of the Code of the Borough of Allendale to Fix the Salaries, Wages and Compensation of the Night Security Guard in the Year 2008" heretofore introduced, does now pass on first reading and that said ordinance be further considered for final passage at a meeting to be held on the 10th of July at 8:30 p.m., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and meeting place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is authorized and directed to publish said ordinance according to law with notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for passage.

On roll call, all Council members voted yes.

Mr. Bernstein moved, seconded by Mr. Strauch, to pull Resolution No. 213 – List of Bills from the Consent Agenda. On roll call, all Council members voted yes.

Resolution No. 08-213 – Introduced by Mrs. White, seconded by Mrs. LaMonica

**Now, Therefore, Be It Resolved** by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves the Bill List dated June 26, 2008.

On roll call, Mr. Bernstein abstained. Mrs. LaMonica, Mr. Litt, Mr. Schoepflin, Mr. Strauch and Mrs. White voted yes.

Resolution No. 08-214 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

## Substitute Lifeguard

On roll call, all Council members voted yes.

Resolution No. 08-215 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Be It Further Resolved** that the Mayor is hereby authorized to sign said agreement.

On roll call, all Council members voted yes.

Resolution No. 08-216 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body that it does hereby award a Contract for the above-referenced project to L&L Construction Group, Inc. of Nutley, New Jersey, in the total amount of One Hundred Nineteen Thousand Four Hundred Forty Eight and 26/100 (\$119,448.26) Dollars (representing base bid: \$82,303.26; and Alternate B: \$37,145.00):

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute Contracts with the bidder following legal review;

BE IT FURTHER RESOLVED, that the bid documents of the next two (2) lowest bidders be held pending execution of the Contracts with L&L Construction Group, Inc.

On roll call, all Council members voted yes.

Resolution No. 08-217 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

WHEREAS, the following have made application for the renewal of their Alcoholic Beverage Licenses; and

WHEREAS, all requirements in connection therewith have been met,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the following licenses are hereby renewed for the period July 1, 2008 to June 30, 2009:

PLENARY RETAIL DISTRIBUTION LICENSES

Thrift Drug, Inc. t/a Rite Aid  
44 West Allendale Avenue

0201-44-004-003

On roll call, all Council members voted yes.

Resolution No. 08-218 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

BE IT RESOLVED by the Governing Body, that the Mayor is hereby authorized to sign and file an application to the New Jersey Housing and Finance Authority for special needs housing and the act of the Mayor in executing such an application is hereby ratified and confirmed.

On roll call, all Council members voted yes.

Resolution No. 08-219 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

WHEREAS, N.J.S.A. 40A:65-1 et seq., the Uniform Shared Services and Consolidation Act, authorizes agreements between municipalities for the provision of services by one to the other;

WHEREAS, the Borough of Allendale has agreed to provide the services of its Municipal Clerk to the Borough of Ho-Ho-Kus;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Allendale that it does hereby authorize and approve an Interlocal Service Agreement between Allendale and Ho-Ho-Kus to provide for Municipal Clerk services from Allendale to Ho-Ho-Kus commencing effective June 26, 2008 until December 31, 2008;

BE IT FURTHER RESOLVED, that the Interlocal Services Agreement currently on file with the office of the Municipal Clerk be and the same is hereby approved and a copy of the contract shall be filed and open to public inspection at the office of the Municipal Clerk immediately after the introduction of the within Resolution;

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and they are hereby authorized to execute the Agreement on behalf of the Borough after legal review;

BE IT FURTHER RESOLVED, that the Interlocal Agreement shall take effect upon the adoption of the appropriate Resolutions by both municipalities.

On roll call, all Council members voted yes.

Resolution No. 08-220 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

BE IT RESOLVED by the Council of the Borough of Allendale that advertisement to bid on the Orchard Common Construction and Utility Service for Affordable Housing is hereby approved.

On roll call, all Council members voted yes.

Resolution No. 08-221 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

BE IT RESOLVED by the Council of the Borough of Allendale that the Tax Collector/Chief Financial Officer is hereby authorized to issue the following checks on the property listed below and charge same to Overpayment of 2008 Taxes:

<u>Block/Lot</u>	<u>Name</u>	<u>Property Location</u>	<u>Amount</u>
1906/6	Schmidt, Michael & Donna 130 Powell Rd. Allendale, NJ 07401	130 Powell Rd.	\$1,537.37

On roll call, all Council members voted yes.

Resolution No. 08-222 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Now, Therefore, Be It Resolved** by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby authorizes the Mayor to sign the 2008-2010 County of Bergen Snow Plowing Agreement with the following price schedule:

Municipal Plow	\$90.00 hour
County Plow	\$75.00 hour
Stand By	\$40.00 hour (2 hour maximum and 4 truck limit)

Rates are paid by the County for equipment furnished and operated by the municipality.

On roll call, all Council members voted yes.

Resolution No. 08-223 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Whereas**, an application for soil movement has been filed regarding property located at 50 Forest Road, Block 1206, Lot 4 involving a soil movement permit to construct a new pool and patio; and

**Whereas**, the application has been filed pursuant to Section 225-1.1 of the Borough Code since it involves excavation of approximately 140 cubic yards of soil; and

**Whereas**, the Municipal Engineer has reviewed the application and has issued a supplemental report dated June 23, 2008, which is adopted and incorporated herein;

**Whereas**, the Municipal Engineer has approved the “map” associated with this application pursuant to Section 225-2 of the Code and has recommended approval of the application to the Governing Body subject to conditions;

**Whereas**, approval is subject to the applicant posting an additional \$10 in fees and engineering escrow with the Borough of Allendale for a combined total of \$250;

**Now, Therefore, Be It Resolved**, by the Governing Body that it does hereby approve the soil movement application for the residence at 50 Forest Road, Block 1206, Lot 4 subject, however, to compliance with all conditions set forth in the report of the Municipal Engineer dated June 23, 2008 which report is attached hereto and incorporated herein.

On roll call, all Council members voted yes.

Resolution No. 08-224 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Whereas**, an application for soil movement has been filed regarding property located at 28 Linda Drive, Block 1206, Lot 15 involving a soil movement permit to construct an addition, driveway and drainage structure; and

**Whereas**, the application has been filed pursuant to Section 225-1.1 of the Borough Code since it involves excavation of approximately 240 cubic yards of soil; and

**Whereas**, the Municipal Engineer has reviewed the application and has issued a supplemental report dated June 24, 2008, which is adopted and incorporated herein;

**Whereas**, the Municipal Engineer has approved the “map” associated with this application pursuant to Section 225-2 of the Code and has recommended approval of the application to the Governing Body subject to conditions;

**Now, Therefore, Be It Resolved**, by the Governing Body that it does hereby approve the soil movement application for the residence at 28 Linda Drive, Block 1206, Lot 415 subject, however, to compliance with all conditions set forth in the report of the Municipal Engineer dated June 24, 2008 which report is attached hereto and incorporated herein.

On roll call, all Council members voted yes.

Resolution No. 08-225 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Allendale, County of Bergen, State of New Jersey, that it hereby approves a pay increase for the following:

Lifeguards

Kevin Hughes	\$9.50 to \$10.50 per hour	Completion of WSI Training
	Retroactive to June 16, 2007	

On roll call, all Council members voted yes.

Resolution No. 08-226 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Whereas**, a Bergen County Open Space Trust Fund application in the amount of \$75,000 has been proposed by the Borough of Allendale for Orchard Common Park in the municipality of Allendale; and

**Whereas**, pursuant to the State Interlocal Services Act, such funds may not be spent in a municipality without authorization by the Governing Body; and

**Whereas**, the aforesaid project is in the best interest of the people of Allendale;

**Now, Therefore, Be It Resolved** that the Governing Body is committed to providing a dollar for dollar match for the project; and

**Be It Further Resolved**, that a copy of this Resolution shall be sent to the Director of the Bergen County Division of Community Development so that implementation of the aforesaid project may be expedited.

On roll call, all Council members voted yes.

Resolution No. 08-227 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

WHEREAS, the Borough of Allendale, in the County of Bergen, New Jersey (the “Borough”) desires to designate a \$1,000,000 Bond Anticipation Note, dated June 30, 2008, payable February 27, 2009 (the “Note”), as a “qualified tax-exempt obligation” pursuant to Section 265(b) (3) of the Internal Revenue Code of 1986, as amended (the “Code”);

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Allendale, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Note is hereby designated as a “qualified tax-exempt obligation” for the purpose of Section 265(b) (3) of the Code.

SECTION 2. It is hereby determined and stated that said Note (1) is not a “private activity bond” as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2008.

SECTION 3. It is further determined and stated that the Borough has, as of the date hereof, issued the following tax-exempt obligations (other than the Note) during the calendar year 2008:

AMOUNT

\$4,082,265 BAN

DATED - DUE

6/30/08 - 6/30/09

SECTION 4. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b) (3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 5. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2008 dated as of the date of delivery of the Note.

SECTION 6. this resolution shall take effect immediately upon its adoption.

On roll call, all Council members voted yes.

Resolution No. 08-228 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

**Whereas**, in accordance with the Three Year Bergen Community Development Cooperative Agreement, each participating municipality must maintain two representatives on its respective Community Development Committee, and

**Whereas**, one municipal representative must be appointed by the Governing Body of the community to be part of the Community Development Committee for the term of one year coinciding with the fiscal year July 1, 2008 through June 30, 2009.

**Now, Therefore, Be It Resolved** that the Governing Body hereby appoints Mayor Vince Barra as its representative and Mrs. Gwen McCarthy as the alternate to participate on the Community Development Committee.

On roll call, all Council members voted yes.

Resolution No. 08-229 – Introduced by Mr. Strauch, seconded by Mrs. LaMonica

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Allendale, County of Bergen, State of New Jersey, that Thomas Riedel be appointed as a part-time, fill-in dispatcher effective June 19, 2008 at the rate of \$15.00/hour.

On roll call, all Council members voted yes.

#### COMMITTEE REPORTS:

##### Facilities, Parks and Recreation

Mrs. White said she would like to share some current numbers on the Crestwood Lake memberships. The monetary amount from 2007 totaled \$148,385 whereas to date this year \$182,841 has been collected. There was a total of 98 non-residents in 2007 and we are up to 254 in 2008. There were 594 resident memberships in 2007 and in 2008 the number is 628.

Mrs. White reported that the multipurpose field at Crestwood Lake is scheduled for renovations and hopefully will be in pristine condition for the spring season of 2009.

##### Public Safety

Mr. Litt said he met with the Board of Health to discuss and gain their assistance in establishing some kind of procedures and protocols for permitting the raising of honey bees in Allendale. He asked them to give this further consideration and come back to the Council with their recommendations for establishing some kind of process that would permit the raising of honey bees in Allendale and at the same time provide review and oversight procedures to make sure that this is done properly in order to allay the concerns of nearby residents.



#### Public Works

Mr. Strauch said the Streets Committee meeting scheduled for tomorrow morning has been changed to July 2<sup>nd</sup> at 8:30 a.m.

#### Land Use and Construction Code

Mr. Bernstein reported that the Committee met last Friday. Councilman Litt has been working on a project having to do with use permit and zoning permit procedures so he will leave it to Mr. Litt to report on it to the Council. The Committee will meet next month and hopefully rap up the soil movement permit process at that time.

#### Water, Sewer and Public Utilities

Mr. Schoepflin said the Committee is once again reviewing its options concerning any adjustments it might make in water rates in the future. They are going to an outside consultant for his input.

#### Administration, Finance and Personnel

Mrs. LaMonica reported that the Committee is beginning discussions with the Teamsters on the DPW contract and is working on the compensation portion of that contract. Tomorrow a meeting is scheduled with the Union representatives. The Committee is still working on the Personnel manual and is making reasonable progress. Following up on a discussion at a prior Council meeting on benefits, the next step will be to share the Committee's thoughts with department heads. She added that the next Council meeting will be the budget meeting on July 10. Mayor Barra commented that it is important that everyone attend the meeting since at least four votes are needed to pass the budget.

#### **STAFF REPORTS:**

Borough Attorney – No report.

#### Borough Clerk/Administrative Assistant

Mrs. McCarthy reported that Miss Gordon has completed the IT Encyclopedia for the employees in the Municipal Building and the IT Committee is very happy with what she has done. They have asked her to contact the Police, DPW and Water Departments and do the same thing for those offices.

Mrs. McCarthy said she attended a COAH seminar for Municipal Housing Liaisons this week. She is pleased with her role and enjoys working with them.

#### Director of Operations

Mr. Cauwenberghs commented that the Mayor covered the meeting with the County earlier this evening. The meeting was very productive.

Mayor Barra commented that the 9/11 Award Committee met and out of 17 applicants, this year's winner is Ashley Albrecht. The Committee was going to award the check at tonight's meeting but tonight is the graduation ceremony at the high school. This is the

4<sup>th</sup> year for this award and based on the donations received, he believes the scholarship fund is self-perpetuating based on the interest it will earn.

Mr. Cauwenberghs said he met today with Glasgow Limerick, the landscape architect, at the 9/11 park. They reviewed the trees and plantings and made a list of those that need to be replaced.

Mayor Barra opened the meeting to the public for comments.

George LaHood, 115 W. Allendale Ave. said he is asking the Council for an appeal from Mr Wittekind's request that he remove the clutter from his very small room. He said it is really not clutter, but things that he needs.

Mayor Barra said this body does not have the authority to render an opinion with respect to an appeal. Mr. LaHood needs to go to Court and deal with the judiciary process.

Mr. LaHood said there is a process whereby he can ask the Council for relief from the action of one of the officers of the Borough, and he would like to ask whether a second opinion can be obtained. Mr. Wittekind said he has to remove the refrigerator from his room because it needs a special outlet and doesn't work. He wants the right to have proper electricity to operate the refrigerator in his room.

Mayor Barra said he will have the Zoning Committee talk to the Code Official about this situation.

Mr. LaHood said his second issue is the fines against his vehicles. One of his vehicles does not work because grass was crammed in the front of the vehicle by the landlord's lawn mower. He asked the landlord to fix the vehicle and he refused.

Mayor Barra asked what Mr. LaHood would like this body to do. Mr. LaHood said he would like to know whether the municipality acted properly by interfering with his business with the landlord. He asked that the landlord fix the vehicle but he refused. The Police said it is an unregistered and uninsured vehicle and he has been issued fines.

Mayor Barra said the Safety Committee will discuss this with the Police Department.

Mr. LaHood said, "Will you ask the Judge or the police to stop executing on the collection of the fines because they are going to throw me in jail." Mr. LaHood said Judge Norton levied a \$1500 fine based on an ordinance that says no vehicle can be parked without insurance and registration, and the property does not have a garage to store the vehicle. He said it is the landlord who asked the police to issue the summons and fine the vehicle and he would appreciate it if the Council would do something about it. Mr. LaHood said he believes the ordinance is unfair and he is asking that it be amended for special situations such as the Allendale Hotel. Mayor Barra said the Council will look into it.

Gary Indyk, 985 Franklin Turnpike, said the property adjoining his has frontage on Albert Road and is in the process of being subdivided. In the past months, construction has been taking place on this site and they have been chopping down trees, clearing the property and grading. There is construction equipment on the site at present. He brought to the attention of the Borough Engineer that soil erosion control measures were not in place on this property. The Engineer advised him that the builder has no permits at this time and the project was proceeding without permits in place. He also advised that he could take no action because the builder had no permits. Mr. Indyk said he sent a letter to John Wittekind with copies to the Mayor and the Borough Engineer describing what he has just stated. That was two weeks ago and there is still construction equipment on the site and there does not appear that any action is being taken.

The Mayor said it is his understanding that a stop work order was issued and that is why there is no work going on. Mr. Indyk said without a permit the equipment itself does not belong there and there is no indication that the Code Official has advised the owner of the property to remove it. Mayor Barra said he will check into this further and advise Mr. Indyk of the status.

There being no further comments, the meeting was closed to the public.

On a motion by Mr. Schoepflin, seconded by Mrs. LaMonica, the meeting adjourned at 9:45 p.m.

Respectfully submitted,

Gwen McCarthy  
Borough Clerk